

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

STEPHEN J. DONDERO

Case No.

19 - 1017 - M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of see attached affidavit in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2252(a)(2)	Receipt of child pornography
18 U.S.C. 2252(a)(4)(B)	Possession of child pornography

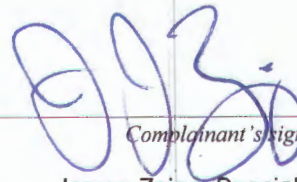
See Attachment A.

This criminal complaint is based on these facts:

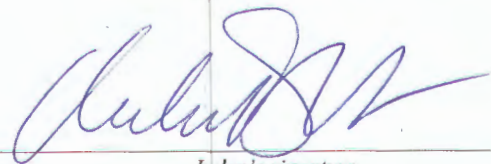
See attached Affidavit

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 06/10/2019City and state: Philadelphia, Pennsylvania

Complainant's signature

James Zajac, Special Agent, FBI

Printed name and title

Judge's signature

RICHARD A. LLORET, U.S.M.J.

Printed name and title

ATTACHMENT A

Count One – Receipt of Child Pornography – 18 U.S.C. Section 2252(a)(2), (b)(1)

On or about May 19, 2019, in the Eastern District of Pennsylvania, defendant STEPHEN J. DONDERO knowingly received visual depictions using any means and facility of interstate and foreign commerce, and that had been mailed and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, the producing of which involved the user of minors engaged in sexually explicit conduct, and the visual depictions were of such conduct.

Count Two – Possession of Child Pornography – 18 U.S.C. Section 2252(a)(4)(B), (b)(2)

On or about May 21, 2019, in the Eastern District of Pennsylvania, defendant STEPHEN J. DONDERO knowingly possessed matter, that is, one Samsung Galaxy S6 Edge+ smart phone bearing IMEI number 353513070355925, which contained visual depictions that had been mailed, shipped and transported using any means and facility of interstate and foreign commerce and in and affecting foreign commerce. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct and the visual depictions were of such conduct. The minors depicted included prepubescent minors and minors who had not attained 12 years of age.

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, James J. Zajac, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI for 13 years, and am currently assigned to the Philadelphia Division's Violent Crimes Against Children Squad. While employed by the FBI, I have investigated federal criminal violations related to identity theft, Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, training at the Violent Crimes Against Children Unit of the FBI, various conferences involving Innocent Images and Crimes Against Children, and everyday work related to conducting these types of investigations.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that STEPHEN J. DONDERO, date of birth [REDACTED] committed violations of Title 18 U.S.C. § 2252 which makes it a crime to possess and receive visual depictions of minors engaging in sexually explicit conduct, and any attempts to do so.

LEGAL AUTHORITY

4. Title 18 U.S.C. § 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any visual depiction of minors engaging in sexually explicit conduct, or produced using a minor engaged in such conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce, and any attempts to do so.

FACTS SUPPORTING PROBABLE CAUSE

5. On or about May 20, 2019 Pennsylvania (PA) State Probation and Parole Agent Rudnell Potter was notified by staff at The Kintock Group (Kintock), 301 East Erie Avenue, Philadelphia, PA, that STEPHEN DONDERO, a resident at Kintock, was viewing child pornography on his smart phone. Kintock is a residential re-entry facility for inmates who are on supervision and transitioning back into the community. Another Kintock resident witnessed this incident and reported it to the Kintock staff.

6. DONDERO is currently on Pennsylvania state parole. In February 2014 DONDERO was arrested in Monroe County, PA in connection with his dissemination of child pornography. He was convicted of two counts of 18 Pa.C.S. § 6312, Sexual Abuse of Children and sentenced to an aggregate term of 30 to 90 months' incarceration. In July 2018 DONDERO was released from state prison on parole. He was subsequently ordered to reside at the Kintock Group as part of his parole.

7. On May 21, 2019, after having received the report of DONDERO's involvement in child pornography, Agent Potter and his supervisor made contact with DONDERO at Kintock. DONDERO admitted to violating parole conditions by viewing child pornography on his smart phone. Agent Potter confiscated DONDERO's smart phone, a black Samsung Galaxy S6 Edge+, and arrested DONDERO for violating the terms of his parole. DONDERO was transported to Philadelphia Police Department Special Victim's Unit (PPD-SVU).

8. After arriving at PPD-SVU, DONDERO was interviewed by Detective Peter Marcellino. DONDERO was read his Miranda warnings, which he waived, and agreed to speak with Detective Marcellino. The administration of his Miranda rights, his waiver, and the subsequent interview was video recorded. DONDERO admitted to viewing and downloading child pornography using his smart phone out of depression, loneliness, and sexual frustration, and advised that he masturbated to the child pornography images and videos. DONDERO admitted that he prefers girls aged 12 years old and older, but also has told detectives that he collected images and saved files of child pornography on his smart phone of girls as young as 8-9 years old.

9. DONDERO provided Detective Marcellino the pattern code to unlock his smart phone and verbally agreed to allow Detective Marcellino to search the phone. In DONDERO's presence, Detective Marcellino unlocked DONDERO's smart phone and DONDERO showed Detective Marcellino a Secure Folder application where DONDERO saved his child pornography collection. The application is PIN protected and DONDERO provided Detective Marcellino the PIN to unlock the application and view the files. There were at least two folders with the numbers 192 and 583, indicating the number of files in each folder.

DONDERO explained the folder with 192 files contained adult pornography and the folder with 583 files contained child pornography. DONDERO also showed Detective Marcellino his web browser history and identified the websites he would visit to download and view child pornography.

10. Detective Marcellino viewed one of the child pornography videos saved on DONDERO's smart phone, and confirmed it contained child pornography, that is, a nude girl, approximately 10-12 years old, dancing and fondling her genitals.

11. On May 23, 2019 Detective Marcellino transferred custody of DONDERO's Samsung Galaxy S6 Edge+ smart phone to your Affiant. On May 24, 2019 your Affiant applied for and was granted a federal search warrant, authorized by United States Magistrate Judge Linda K. Caracappa, in Crim.No. 19-916-M to search and seize evidence of violations of 18 U.S.C. §§ 2252 and 2252A.

12. The forensic analysis of DONDERO's smart phone revealed more than 250 videos (equivalent to more than 18,750 images under federal law), that in your Affiant's opinion depict child pornography as defined in 18 U.S.C. § 2256. The videos depict pre-pubescent (under the age of 12 years), and pubescent minor girls, nude and displaying their genitals, masturbating, or nude and engaged in oral sex with other minors.

13. Several of the child pornography videos were videos of children engaging in sexual activity while using the online website Omegle. Omegle is a free, anonymous chat website that allows users to engage in text chat and video chat with other users of Omegle. During the video chat, the Omegle.com watermark is placed in the lower corner of the screen. These video chat sessions can be recorded by either user using freely available software to record their screen. Through your Affiant's training and experience, your Affiant knows it is a common

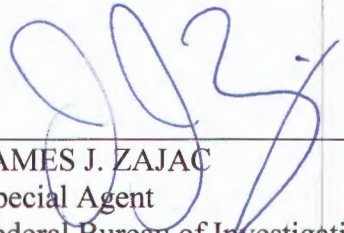
practice by individuals who engage in sexual video chats with minors to record the video chat and then make the recordings available to others online to download.

14. Located on DONDERO's smart phone were three child pornography videos with the Omegle.com watermark, showing that the minors engaged in sexual activity were video chatting using the online website Omegle.com. These recordings would have then been made available for others to download over the Internet and these three videos were saved onto DONDERO's smart phone on May 19, 2019. These three videos depict minor girls, under the age of 18, nude and masturbating. At times the focus of the videos are on the girl's genitals.

CONCLUSION

15. Based upon the information above I respectfully submit that there is probable cause to believe that STEPHEN J. DONDERO, date of birth [REDACTED] did possess and receive visual depictions of minors engaging in sexually explicit conduct, in violation of Title 18 U.S.C. § 2252, as more fully set forth in Attachment A.

16. Therefore, I respectfully request that the attached arrest warrant be issued authorizing the arrest of STEPHEN J. DONDERO, date of birth September 25, 1970.



JAMES J. ZAJAC
Special Agent
Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 10th DAY
OF JUNE, 2019.



HONORABLE RICHARD A. LLORET
United States Magistrate Judge